

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division**

DAVID L. STULTZ,)	
)	
Plaintiff,)	
v.)	Case No. 7:13-cv-00589
)	
COMMONWEALTH OF VIRGINIA)	
DEPARTMENT OF MOTOR VEHICLES)	
)	
Defendant.)	

VITA's MOTION TO VACATE ORDER TO PRESERVE EVIDENCE

The Virginia Information Technologies Agency (VITA), which is not a party to this lawsuit but which was the subject of an *ex parte* preservation order in this case, respectfully joins the Virginia Department of Motor Vehicles (DMV) in moving that the Court vacate that Order. *See* Order to Preserve Evidence, docket no. 8 (entered Feb. 13, 2014) [hereinafter "the Order"]. If vacated, VITA opposes Stultz's Motion for Order to Preserve Evidence, docket no. 5 (filed Jan. 30, 2014). The grounds for this Motion and for VITA's opposition to Stultz's Motion are discussed in the Memorandum in Support filed with this Motion.

VITA respectfully requests that the Court grant this Motion, vacate the Order, deny Stultz's Motion, and award VITA such other relief as may be proper.

Respectfully submitted,

VIRGINIA INFORMATION TECHNOLOGIES
AGENCY

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on February, 21, 2014, I am electronically filing the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF filing users:

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